

California Organic Program  
Questions and answers  
**For Implementation of National Organic Program (NOP)**

July 11, 2001

**Where can I get a copy of the National Organic Program and California Organic Products Act of 2003?**

Individuals can obtain copies of the NOP regulations by contacting the NOP through the NOP website. <http://www.ams.usda.gov/nop/>

For the California Organic Products Act of 2003 contact any county agricultural commissioner's office or go to <http://www.cdfa.ca.gov/is/fveqc/organic.htm>

**What's the Deadline?**

Any organic agricultural production or handling operation that intends to sell agricultural product as organic must be certified by a USDA accredited certifying agent by October 21, 2002. All production and handling operations certified by an accredited certifying agent between April 21, 2001 and October 21, 2002 will be considered certified to the national standards until the certified operation's anniversary date of certification. We anticipate that certifying agents and production and handling operations will move as quickly as possible to begin operating under the national organic standards. However, if certifying agents fail to apply or meet the requirements for USDA accreditation under the NOP by October 21, 2002, operations that are certified by such certifying agents must seek and receive certification by a USDA-accredited certifying agent before they can sell, label, or represent their products as organic.

**I am a small farmer. Will I have to be certified?**

The NOP regulations exempt growers from organic certification if gross agricultural income from organic sales total \$5,000 or less annually. Any grower whose gross sales of organic agricultural product are more than \$5,000 in a year will have to be certified. There are some limits on where and how non-certified product can be marketed. Refer to the NOP standards (§205.101 (a) and (c) and 205.310) to become more familiar with labeling and record keeping requirements of exempted and excluded operations.

**I am a small processor. Do I have to be certified?**

The NOP regulations exempt handling operations from organic certification if gross agricultural income from organic sales total \$5,000 or less annually. Any handling operation whose gross sales of organic agricultural product are more than \$5,000 in a year will have to be certified. There are some limits on where and how non-certified product can be marketed. A company can not process organic product that they did not grow and still call it organic. Refer to the NOP

standards (§ 205.101 (a) and (c) and 205.310) to become more familiar with labeling and record keeping requirements of exempted and excluded operations. As a grower and processor you could sell up to \$10,000 as organic by selling \$5K as raw and another \$5K as processed.

**Are retail stores required to be certified?**

Generally, a retail store does not have to be certified. Retailers that process or repackaging agricultural product for sale as organic at one location and then transfer that product to another location must be certified. Retailers that process, package, repackaging, label, or re-label certified organic products for sale as “certified” organic must be certified.

**Will organic growers and handlers apply to the USDA?**

No. USDA will provide oversight of certifying agents who will process and grant certification. Clients of certifiers will not pay a fee to the USDA. They will interact directly with certifying agents.

**I sell less than \$5,000 worth of organic product. Can I be certified?**

Yes. Any agricultural production or handling operation that is exempt or excluded from certification requirements of the NOP can be certified as an organic production and handling operation and market their product as being certified organic.

**Will this rule prohibit a certifier from certifying products that go beyond the scope of the current rule?**

No. A certifying agent may provide certifying services for products and activities that are not covered under the NOP regulations. For example, certifying agents may provide voluntary certification to retail stores or they may certify compliance to environmental standards.

Certifying agents may not require certification to additional standards as a requisite to certification to the NOP.

**Will a State be able to regulate other products such as cosmetics?**

Any State regulation of organic products would be subject to approval by USDA as part of a State Organic Program.

**How much does it cost to get certified?**

Currently there are some certifiers that can provide certification for about \$500.00 per year. However, it is easy for that cost to reach \$1,000 quickly. A rough estimate would probably show most pay between \$800 and \$1,800 per year for certification.

**How can I keep the cost of certification down?**

Keep well-organized records, present the records to the inspector in a logical manner and be completely prepared for the inspection. Secondly, coordinate with other organic farmers to share inspection travel costs. This may require using the same certifying agent.

**How detailed does my “Organic Systems Plan: (OSP) have to be?**

The plan has to be detailed enough to show how you incorporate the practices listed in the NOP regulations. Once the OSP has been accepted and agreed upon by you and the certifier it has become a binding contract. With that in mind, do not make the OSP overly detailed so that every time you need to change an insignificant practice you have to get approval from the certifier. The items not mandated by NOP should not be in the OSP.

**How detailed does the description of the monitoring practices have to be?**

Organic agricultural producers and handlers should work with their certifying agent to determine the best monitoring practices for their situation. Some crops, for example, might require more diligent monitoring than others. Some producers may have environmental concerns that require more extensive monitoring.

After I Get Certified...

**How long is my Organic Certificate good for?**

NOP certification will remain in effect until the client voluntarily closes the account with the certifier or is revoked by either a State Organic Program or the USDA through the process of law.

**How will I find out about changes regarding laws, policies, and procedures?**

Certifiers will **notify** all their clients on respective changes as they occur. CDFA/DHS will notify county agricultural commissioners and registrants of changes made to the registration/enforcement program.

**Do I have to follow the OSP I have filed with my certifier?**

Yes, if you deviate from the OSP without approval from the certifier you are no longer in compliance with the NOP. Amendments to the OSP may be submitted to the certifying agent for approval at any time. Changes may not be implemented prior to written approval from the certifying agent. The OSP is up for modification every year and can be changed annually as needed.

**Does the rule require the use of lot numbers as a means of tracing organic materials?**

No, it does not require the use of lot numbers.

**Does the NOP require the use of organic seed?**

The NOP requires the use of organic seed if commercially available. If organic seed is not available, then untreated non-organic seed can be used. If untreated non-organic seed is not available, then seed treated with a substance included on the National list can be used. However, there are no recognized seed treatments on the national list at this time. Growers should seek to consult with their certifier to determine when it is appropriate to use anything other than organic seeds.

**How often do I have to rotate?**

There is no single answer for that question. The NOP does not specify how often a crop has to be rotated on a production operation. However, it does provide a crop rotation practice standard in § 205.205. A Three-year crop rotation plan should get you started.

## Labeling

**Is there any place that can approve my label before I go to print?**

The certifying agent is responsible for ensuring a certified entity is in full compliance with the NOP regulations and applicable State organic regulations, including those for labeling agricultural products as “organic” or “made with (organic specified ingredients or food groups).”

Submit your label to your certifier for review and approval. Labels that are normally approved by a Federal agency such as FDA, FSIS, or BATF must be approved by those regulatory agencies.

**Under the NOP can non-certified companies use the word “organic”?**

Yes, companies that are not required to be certified (i.e., because they are exempt or excluded from NOP requirements for certification) can label their product as “organic,” however they cannot refer to the product as being “certified.” Non-certified producers and handlers may not display the USDA seal or any certifying agent's seal or other identifying mark that represents the non-certified product as certified organic. Non-certified producers and handlers must comply with the applicable NOP requirements for production, handling, recordkeeping and labeling. (Sections 205.101 (a) and (c) and 205.310).

**Can I use the initials of my certifier instead of the spelled out long name?**

California does allow the acronym of the certifier as being equal to the name of the certifier. Due to the size of some labels it is thought that the NOP will allow the acronym also.

**Can I make additional label claims in addition to organic on my product?**

Yes, the NOP does not prohibit a company from making additional claims regarding their product as long as they are truthful and not misleading to the consumer. Just be aware there are

other agencies that may be concerned with your labeling.

**I grow organic but can't afford certification. What can I do?**

You can market your product using any other applicable production claim. Just do not use the word "organic". Market it as "spray free", "IPM grown", "natural" or "Eco-label", if those claims would be truthful.

**What about Prohibited Materials?**

**How will farmers and processors know what products can be used in organic production and processing?**

There is not a single good answer for this question. The EPA is proposing to review products that have an EPA number for them. If all the ingredients in the product the EPA has reviewed are acceptable then the label might say "all ingredients are approved by the NOP and suitable for organic production". Another source in this is the Organic Materials Review Institute (OMRI). They plan on continuing to perform brand name product reviews for use by their clients. Some State Organic Programs may continue to have their own brand name reviews and lists. Eventually the NOP may have some other mechanism for review approval. The first place for clarification of approved products is your certifier. Until October 21, 2002, producers and handlers may use substances that are listed by their certifying agent.

**The processing aid I use is approved by my certifier for organic processing, but I cannot find this material listed in the NOP's National List. What should I do?**

During the NOP implementation period (April 21, 2002 through October 21, 2002) you may continue to use substances approved by your certifying agent. When NOP regulations are fully implemented (October 21, 2002), all organic producers and handlers must comply with the requirements of the NOP. To ensure that the substance you are currently using is considered for inclusion on the NOP National List, you should immediately petition the National Organic Standards Board (NOSB) to review the substance. A good model of how to prepare a petition may be found on the Organic Materials Review Institute's website at <http://www.omri.org>. Instructions for how to petition the NOSB are available on the NOP website: [www.ams.usda.gov/nop](http://www.ams.usda.gov/nop).

**How will the non-certified growers know what to use for organic production?**

Non-certified operations are required to comply with the NOP and applicable State laws for the production and handling of organic agricultural products. They may consult certifying agents to obtain copies of the NOP or State Organic Program requirements. They also may contact the NOP and State government offices directly or through the NOP website.

**Will there be a generic list of allowed natural substances?**

Currently, there will not be a generic list of allowed natural materials, because all naturals are

allowed unless prohibited on the National List.

**How will the NOP assure that commercial availability will be equally applied?**

The issue of commercial availability is under review by the NOP and will require further rulemaking.

**What about the State Organic Program?**

**Will I still register with CDFA?**

Yes, the registration program in California is to fund the state program. The state program will continue to conduct spot inspections, take samples for residue testing, conduct educational sessions for the industry and ensure market integrity for the organic industry.

**Do retail stores have to be registered?**

Maybe. Under California law when a retail store becomes involved in the production, handling or processing of organic product they have to be registered. Either affixing or having a label affixed to a product is being involved in the production.

**At what point will the NOP require reciprocity of certified product?**

The NOP will require reciprocity of certified organic product on October 21, 2002.

**During the implementation period can a processor (handler) continue to use product ingredients sourced from production operations that have not been certified by a USDA accredited certifier, but have been certified by other certifiers?**

Yes. During the implementation period, a handler would be allowed to source organic agricultural product ingredients from operations that have not been certified by a USDA accredited certifier. All organic handling operations must discontinue such practices and comply with NOP regulations by October 21, 2002.

**I am a processor or retailer who uses organic products from a foreign country. How will these be affected by the NOP's Final Rule?**

Organic agricultural products produced or manufactured in a foreign country and intended to be exported and sold in the United States as organically produced must be certified by a USDA accredited certifier or a foreign certifier accredited by a recognized foreign government authority that accredits under an equivalency agreement negotiated between the United States and the foreign government.

**At what point will a company have to use only USDA certified ingredients?**

On October 21, 2002 all products must be in full compliance with the NOP regulations.

**I am a dairy producer. Does the NOP require that my dairy is pasture based?**

No, the NOP does not require pasture based livestock production. However, you must provide your livestock access to pasture. The NOSB is currently requesting comments on their proposed recommendation for access to pasture. Comments on the NOSB “access to pasture” recommendation may be submitted to the NOSB through the NOP website:

[www.ams.usda.gov/nop](http://www.ams.usda.gov/nop).

**I am a retail store, I purchase bulk “certified” organic product, then repackage it for consumer convenience, how do I label the product?**

Retail stores that purchase bulk certified organic agricultural product, repackage it for consumer convenience and are, however, not certified by a USDA accredited certifying agent, cannot display any language or other identifying marks that represent the product, product ingredients, or the retail establishment as being certified to any buyer.

**I am a retail store, I purchase bulk “certified” organic product, then place it in bulk bins for the consumers to choose the amount of product they want, what signage can I post regarding the organic status of the product?**

You may provide the same information as provided on the original container or shipping information.

**I am a retail store, I do not want to confuse consumers by displaying all these different certifier seals and logos and names of certifiers. In my produce area, bulk product is displayed. Can I use the USDA organic seal on each individual sign, or one larger seal for the entire area, or can I state on the sign “USDA certified organic”?**

For the non-packaged organic agricultural product, the retail store may make the same claims represented by the shipping documentation or container. The USDA seal, or the certifier’s seal, or both, may be used for certified product. The certifier’s seal may not be more prominently displayed than the USDA seal. As an alternative, retail stores may simply refer to the product as “organic” and not use any seals or names of certifiers.

**I am a retail store, I have a deli that makes various products from organic ingredients. These products are packaged upon request by the customer. Once packaged we only place the price info on the package. What organic claims can I make on my signage for the processed multi ingredient product containing between 70-95 percent organic ingredients.**

Your signage must clearly indicate that the item is only “made with” organic ingredients. You may not list more than three certified organic ingredients or food groups on the signage for the product. You may not represent the product as certified organic, use the USDA organic seal, or the seal or name of any certifying agent. However, if your deli has been certified, you may represent your product as certified and display the certifying agent’s seal, logo, or other identifiers on your signage.

**In my retail store I purchase bulk multi-ingredient products that are made with 70-95 percent organic ingredients. What signage can I use at the point of sale?**

You can only make the same label claims as stated in the shipping information or on the original

shipping container. You are limited to listing no more than three organic ingredients or food groups on the signs. If the supplier was certified then you may use the certifier's seal, logo, or other identifier on the signage or display.

**I am a retail store, I like to support my local very small organic growers, can I purchase product from the non-certified growers and if so how do I label their organic product?**

You may purchase organic product from non-certified organic producers and sell it in the same form you received it in. In other words, you cannot use non-certified organic ingredients to make either a "organic" product or a "made with" organic product.





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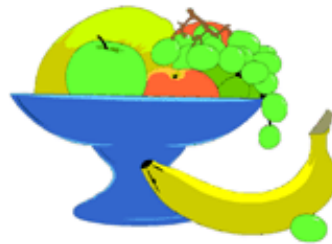
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## Division of Inspection Services

My CA

### California Organic



**1220 N Street, Sacramento, CA 95814, (916) 654-0919**

In 1990, the California Organic Foods Act was enacted at the behest of the California organic industry. The law divides responsibilities between CDFA, which covers fresh products, and Health Services, which covers processed products. The law established standards and labeling requirements for products represented as organic or organically produced. The law also established registration requirements and provided for registration fees to defray program costs and fund county complaint investigation costs.

The main goal is to protect producers, handlers, processors, retailers and consumers of organic food sold in California by assuring that foods labeled as organic are, in fact, organic.

The program coordinates with the Organic Food Advisory Board, coordinates county investigation efforts, collects registration fees, subvents funds to counties and acts as a resource for information on the California Organic Law. Other activities include training county biologists, initiating complaint investigation and registering private certification organizations.

The Organic Food Advisory Board was created in November 1991 and consists of six producers, two processor, one handler or retailer, two consumer representatives, one environmental representative and two technical representatives. The Board makes recommendations to the Secretary on all matters pertaining to the California Organic Program.

The program is funded by assessing a registration fee based on the registrant's annual gross sales, ranging from \$25.00 - \$2,000.

◆ [California Organic Products Act of 2003 \(156 KB PDF, 113 KB DOC \)](#)

◆ [California Organic Retail Practices\(159 KB PDF, 65 KB DOC \)](#)

◆ [Certifiers Operating in California \(59 KB PDF, 21 KB DOC \)](#)

◆ [Organic Farm Plan Questionnaire \(687 KB PDF, 284 KB DOC \)](#)

◆ [National Organic Standards \(429 KB PDF, 232 KB DOC \)](#)

#### County Reports

◆ [2002 County Organic Crop Value and Acreage Report](#)

#### State Reports

- ◆ [2002 State Organic Crop and Acreage Report](#)
- ◆ [2001 State Organic Crop and Acreage Report](#)
- ◆ [2000 State Organic Crop and Acreage Report](#)
- ◆ [1999 State Organic Crop and Acreage Report](#)
- ◆ [1998 State Organic Crop and Acreage Report](#)

◆ Other Related Informational Sites:

- ◆ [The National Organic Program](#)
- ◆ [Organic Trade Association](#)
- ◆ [Organic Materials Review Institute](#)

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